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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: MannKind Corporation

Application No./Patent No.: 09/621092 Filed/Issue Date: 07/21/2000

Entitled: Unit Dose Capsules for Use in a Dry Powder Inhaler

MannKind Corporation, a Delaware  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventors To: Pharmaceutical Discovery Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: Pharmaceutical Discovery Corporation To: MannKind Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

<u>/Michelle S. Glasky/</u>	<u>2007-10-29</u>
Signature	Date
<u>Michelle S. Glasky, Ph.D.</u>	<u>949-253-0900</u>
Printed or Typed Name	Telephone Number
Patent Agent	
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

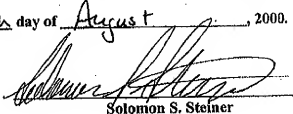
## ASSIGNMENT

We, Solomon S. Steiner of 24 Old Wagon Road, Mount Kisco, New York 10549, Robert Feldstein of 1155 Warburton Avenue, Yonkers, New York 10701, Per B. Fog of 199 Green Lane, Bedford Hills, New York 10507, and Trent Poole of 59 Country Corners Road, South Amherst, Massachusetts 01002, in consideration of ten dollars and other valuable consideration paid to us by Pharmaceutical Discovery Corporation, a corporation of the State of Delaware, having its principal place of business at 33 West Main Street, 4th Floor, Elmsford, New York 10523, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Pharmaceutical Discovery Corporation, its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Unit Dose Capsules and Dry Powder Inhaler*" described in U.S. Application Serial No. 09/621,092 filed in the United States Patent and Trademark Office on July 21, 2000, by Solomon S. Steiner, Robert Feldstein, Per B. Fog, and Trent Poole, which claims priority to U.S. Provisional Application Serial No. 60/206,123 filed in the United States Patent and Trademark Office on May 22, 2000, and to U.S. Provisional Application Serial No. 60/145,464 filed in the United States Patent and Trademark Office on July 23, 1999, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation, and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

Title: "Unit Dose Capsules and Dry Powder Inhaler"  
By: Solomon S. Steiner, Robert Feldstein,  
Per B. Fog, and Trent Poole  
Filed: July 21, 2000  
ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

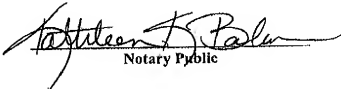
WITNESS my hand and seal this 28th day of August, 2000.



Solomon S. Steiner

State of New York )  
County of Westchester )

Then personally appeared the above named Solomon S. Steiner and acknowledged the foregoing instrument to be his free act and deed, before me this 28th day of August, 2000.



Notary Public

My Commission expires: 12-15-2001

Kathleen K. Balun  
Notary Public of State of New York  
#01BA6000237  
Qualified in Putnam County  
Commission Expires 12-16-2001

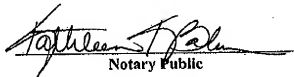
Title: "Unit Dose Capsules and Dry Powder Inhaler"  
By: Solomon S. Steiner, Robert Feldstein,  
Per B. Fog, and Trent Poole  
Filed: July 21, 2000  
ASSIGNMENT

WITNESS my hand and seal this 14th day of August, 2000.

  
Robert Feldstein

State of New York )  
County of Westchester )

Then personally appeared the above named Robert Feldstein and acknowledged the foregoing instrument to be his free act and deed, before me this 14th day of August, 2000.

  
Notary Public

My Commission expires: 12-15-2001

Kathleen K. Balun  
Notary Public of State of New York  
#01BA6000237  
Qualified in Putnam County  
Commission Expires 12-15-2001

Title: "Unit Dose Capsules and Dry Powder Inhaler"  
By: Solomon S. Steiner, Robert Feidstein,  
Per B. Fog, and Trent Poole  
Filed: July 21, 2000  
ASSIGNMENT

WITNESS my hand and seal this 25<sup>th</sup> day of August, 2000.

Per B. Fog  
Per B. Fog

State of New York )  
County of WESTCHESTER )

Then personally appeared the above named Per B. Fog and acknowledged the foregoing instrument to be his free act and deed, before me this 25<sup>th</sup> day of August, 2000.

Kathleen K. Balun  
Notary Public

My Commission expires: 12-15-2001

Kathleen K. Balun  
Notary Public of State of New York  
#0113A6000287  
Qualified in Putnam County  
Commission Expires 12-15-2001

Title: "Unit Dose Capsules and Dry Powder Inhaler"  
By: Solomon S. Steiner, Robert Feldstein,  
Per B. Fog, and Trent Poole  
Filed: July 21, 2000  
ASSIGNMENT

WITNESS my hand and seal this 21st day of August, 2000.

Trent Poole  
Trent Poole

Commonwealth of Massachusetts )  
County of Hampshire )

Then personally appeared the above named Trent Poole and acknowledged the foregoing instrument to be his free act and deed, before me this 21st day of August, 2000.

Martha L. Cushing  
Notary Public  
Martha L. Cushing

My Commission expires: March 31, 2006

MARATHA L. CUSHING  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES MAR. 31, 2006

*State of Delaware*  
*Office of the Secretary of State*      PAGE 1

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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "PHARMACEUTICAL DISCOVERY CORPORATION", CHANGING ITS NAME FROM "PHARMACEUTICAL DISCOVERY CORPORATION" TO "MANNKIND CORPORATION", FILED IN THIS OFFICE ON THE TWELFTH DAY OF DECEMBER, A.D. 2001, AT 1:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2254871    8100

AUTHENTICATION: 1498700

010636167

DATE: 12-12-01

**RESTATED CERTIFICATE OF INCORPORATION  
OF  
PHARMACEUTICAL DISCOVERY CORPORATION**

The undersigned, Per Fog, in accordance with the provisions of Sections 242 and 245 of the General Corporation Law of the State of Delaware, hereby certifies that:

1. He is the duly elected and acting President of Pharmaceutical Discovery Corporation, a Delaware corporation (the "Corporation").
2. The Corporation was originally incorporated under the name Pharmaceutical Discovery Corporation on February 14, 1991.
3. This Restated Certificate of Incorporation restates and integrates and further amends the provisions of the Certificate of Incorporation of the Corporation and was duly adopted in accordance with the provisions of Sections 242 and 245 of the General Corporation Law of the State of Delaware.
4. The text of the Restated Certificate of Incorporation, as heretofore amended or supplemented, is hereby restated and further amended to read in its entirety as follows:

**ARTICLE FIRST**

The name of this corporation is MannKind Corporation (the "Corporation").

**ARTICLE SECOND**

The address of the Corporation's registered office in the State of Delaware is 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle 19808, and the name of its registered agent at that address is Corporation Service Company.

**ARTICLE THIRD**

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**ARTICLE FOURTH**

The total number of shares that the Corporation may issue is 105,000,000, of which 100,000,000 shall be shares of Common Stock, \$0.01 par value per share, and 5,000,000 shall be shares of Preferred Stock, \$0.01 par value per share.

The Preferred Stock authorized by this Certificate of Incorporation may be issued from time to time in one or more series as the Board of Directors, by resolution or resolutions, may from time to time determine, each of said series to be distinctively designated. The voting powers, preferences and relative, participating, optional and other special rights, and the



qualifications, limitations or restrictions thereof, if any, of each such series may differ from those of any and all other series of Preferred Stock at any time outstanding, and the Board of Directors is hereby expressly granted authority to fix and alter, by resolution or resolutions, the designation, number, voting powers, preferences and relative, participating, optional and other special rights, and the qualifications, limitations and restrictions thereof, of each such series, including, but without limiting the generality of the foregoing, the following:

(a) The distinctive designation of, and the number of shares of Preferred Stock that shall constitute, such series, which number (except as otherwise provided by the Board of Directors in the resolution establishing such series) may be increased or decreased (but not below the number of shares of such series then outstanding) from time to time by like actions of the Board of Directors;

(b) The rights in respect of dividends, if any, of such series of Preferred Stock, the extent of the preference or relation, if any, of such dividends to the dividends payable on any other class or classes of any other series of the same or other class or classes of capital stock of the Corporation, and whether such dividends shall be cumulative or noncumulative;

(c) The right, if any, of the holders of such series of Preferred Stock to convert the same into, or exchange the same for, shares of any other class or classes or of any other series of the same or any other class or classes of capital stock of the Corporation and the terms and conditions of such conversion or exchange, including, without limitation, whether or not the number of shares of such other class or series into which shares of such series may be converted or exchanged shall be adjusted in the event of any stock split, stock dividend, subdivision, combination, reclassification or other transaction or series of transactions affecting the class or series into which such series of Preferred Stock may be converted or exchanged;

(d) Whether or not shares of such series of Preferred Stock shall be subject to redemption, and the redemption price or prices and the time or times at which, the terms and conditions on which, shares of such series of Preferred Stock may be redeemed;

(e) The rights, if any, of the holders of such series of Preferred Stock upon the voluntary or involuntary liquidation, dissolution or winding up of the Corporation or in the event of any merger or consolidation of or sale of assets by the Corporation;

(f) The terms of any sinking fund or redemption or purchase account, if any, to be provided for shares of such series of Preferred Stock;

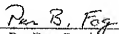
(g) The voting powers, if any, of the holders of any series of Preferred Stock generally or with respect to any particular matter, which may be less than, equal to or greater than one vote per share, and which may, without limiting the generality of the foregoing, include the right, voting as a series by itself or together with the holders of any other series of Preferred Stock or all series of Preferred Stock as a class, or together with the holders of any other class of the capital stock of the Corporation to elect one or more directors of the Corporation (which, without limiting the generality of the foregoing, may

include a specified number or portion of the then-existing number of authorized directorships of the Corporation, or a specified number or portion of directorships in addition to the then-existing number of authorized directorships of the Corporation), generally or under such specific circumstances and on such conditions, as shall be provided in the resolution or resolutions of the Board of Directors adopted pursuant hereto; and

(h) Such other powers, preferences and relative, participating, optional and other special rights, and the qualifications, limitations and restrictions thereof, as the Board of Directors shall determine.

Each outstanding share of Common Stock, \$0.01 par value per share, of the Corporation (the "Pre-Split Common Stock") shall, automatically and without any action on the part of the holder and effective upon the filing of this Restated Certificate of Incorporation with the Secretary of State of Delaware (the "Effective Time"), be reclassified and become and thereafter continue to be .240958 of a share of Common Stock of this Corporation, \$0.01 par value per share (the "Post-Split Common Stock"), provided that the shares of Pre-Split Common Stock issued in the name of any holder as of such time shall be converted only into a whole number of shares at the rate of .240958 of a share for each share theretofore outstanding and any fractional shares thus resulting shall be treated in the manner specified below. Each holder of record of outstanding shares of this Corporation's Pre-Split Common Stock, at the close of business on said date, shall be entitled to receive, upon surrender of his, her or its stock certificate or certificates, a new certificate representing the number of shares of Post-Split Common Stock of which he, she or it is the owner after giving effect to the provisions of this Article Fourth. Each stockholder who has an aggregate number of shares of Pre-Split Common Stock registered in his, her or its name as of the Effective Time so that he, she or it would otherwise, after giving effect to all such shares so registered, be entitled to receive a fraction of a share of the Post-Split Common Stock as a result of the reverse stock split will be entitled to receive from the Corporation cash equal to the fair market value of the fractional share in accordance with Section 155 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, this Corporation has caused this certificate to be signed by Per Fog, its President, this 28<sup>th</sup> day of December, 2001.

  
Per Fog, President